

EXHIBIT 5

In the Matter of:

*Emmanuel Thiersaint vs
Department of Homeland Security, et al*

Rachelle Steinberg

February 04, 2021

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Emmanuel Thiersaint vs
Department of Homeland Security, et al

Rachelle Steinberg
February 04, 2021

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

-----X

EMMANUEL THIERSAINT,
Plaintiff,

vs.

Civil Action No.
1:18-cv-12406-PBS

DEPARTMENT OF HOMELAND SECURITY;
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT; WILLIAM CHAMBERS,
in his individual capacity;
JOHN DOE DEFENDANTS 1-10, unknown
ICE Agents, in their individual
capacities; SUFFOLK COUNTY
SHERIFF'S DEPARTMENT; JOHN DOE
DEFENDANTS 11-16, unknown
officers of the Suffolk County
Sheriff's Department, in their
individual capacities; and
UNITED STATES OF AMERICA,

Defendants.

-----X

DEPOSITION OF RACHELLE STEINBERG
Conducted Remotely
200 Nashua Street
Boston, Massachusetts
Thursday, February 4, 2021, 9:01 a.m.

Reporter: James A. Scally, RMR, CRR

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A P P E A R A N C E S

WOLF, GREENFIELD & SACKS PC

600 Atlantic Avenue

Boston, Massachusetts 02210

617-720-3500

By: Elizabeth A. DiMarco, Esq.

Counsel for the Plaintiff

UNITED STATES DEPARTMENT OF JUSTICE

UNITED STATES ATTORNEY'S OFFICE

1 Courthouse Way

Suite 9200

Boston, Massachusetts 02210

617-748-3100

By: Eve A. Piemonte, Esq.

Counsel for the Defendant United

States of America, et al.

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A P P E A R A N C E S

SUFFOLK COUNTY SHERIFF'S DEPARTMENT

200 Nashua Street

Boston, Massachusetts 02114

617-704-6680

By: Melissa J. Garand, Esq.

Counsel for the Defendant Suffolk

County Sheriff's Department

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I N D E X

WITNESS

EXAMINATION

RACHELLE STEINBERG

(By Ms. DiMarco)

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E X H I B I T S

NO.

PAGE

Exhibit 1 Group of documents Bates stamped SCSD000011 through 22 20

Exhibit 2 Defendant's response to plaintiff's second set of interrogatories 28

Exhibit 3 NaphCare documents Bates stamped SCSD000056 through 135 38

Exhibit 4 Screen shots Bates stamped SCSD000136 through 142 56

Exhibit 5 Unit logbook Bates stamped SCSD000173 through 271 84

Exhibit 6 Policy S424 Bates stamped SCSD004942 through 4947 91

Exhibit 7 NaphCare policy Bates stamped SCSD000315 through 316 98

(Exhibits were given to the court reporter to attach to the transcript.)

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1 THE COURT REPORTER: This is James
2 A. Scally. I am a Registered Merit
3 Reporter, Certified Realtime Reporter,
4 and I am a Notary Public in the
5 Commonwealth of Massachusetts.

6 This deposition is being taken
7 remotely. This witness is appearing
8 remotely from 200 Nashua Street,
9 Boston, Massachusetts.

10 The attorneys participating in
11 this proceeding acknowledge their
12 understanding that I am not physically
13 present in the proceeding room, nor am
14 I physically present with the witness
15 and that I will be reporting this
16 proceeding remotely. They further
17 acknowledge that, in lieu of an oath
18 administered in person, the witness
19 will verbally declare her testimony in
20 this matter under the pains and
21 penalties of perjury. The parties and
22 their counsel consent to this
23 arrangement and waive any objections to
24 this manner of proceeding.

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1 Please indicate your agreement by
2 stating your name and your agreement on
3 the record, after which I will swear in
4 the witness and we may begin.

5 MS. DiMARCO: Elizabeth DiMarco
6 from Wolf, Greenfield & Sacks on behalf
7 of the plaintiff Emmanuel Thiersaint,
8 and we agree to proceed under this
9 arrangement.

10 MS. GARAND: Melissa Garand on
11 behalf of the Suffolk County Sheriff's
12 Department, and I agree to proceed
13 under this arrangement.

14 MS. PIEMONTE: Eve Piemonte on
15 behalf of the federal defendants. I
16 agree.
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RACHELLE STEINBERG, having been
satisfactorily identified by the
production of her driver's license and
duly sworn by the Notary Public, was
examined and testified as follows in
answer to direct interrogatories:

EXAMINATION

BY MS. DiMARCO:

Q. Good morning, Rachelle.

A. Good morning.

Q. My name is Elizabeth DiMarco. You can call
me Libbie. I represent the plaintiff, Emmanuel
Thiersaint, and I will be asking you questions today.

A. Okay.

MS. DiMARCO: Before we begin, I'm
just going to state for the record some
stipulations that the attorneys in this
case have reached. All objections,
except as to form, including motions to
strike, are reserved until trial.
Consistent with prior depositions we've
taken in this matter, this witness will
have the opportunity to read and sign

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1 her transcript within 30 days, and we
2 will waive the notary requirement.

3 BY MS. DiMARCO:

4 Q. Ms. Steinberg, do you -- do you prefer that I
5 call you Ms. Steinberg or ADS Steinberg?

6 A. Oh, you can call me Ms. Steinberg, Rachelle,
7 that's fine.

8 Q. Okay. All right. Who is your current
9 employer?

10 A. Suffolk County Sheriff's Department.

11 Q. Okay. And what's your position there?

12 A. I'm an assistant deputy superintendent.

13 Q. And that's what ADS stands for?

14 A. Yes.

15 Q. Very good. Do you understand that you swore
16 an oath to testify truthfully at this deposition
17 today?

18 A. Yes.

19 Q. Is there any reason that you would not be
20 able to testify truthfully?

21 A. No.

22 Q. We have a court reporter with us, Jim Scally;
23 you can see his video. He is making a written
24 transcript of the deposition, even though it's by

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1 Q. So a NaphCare employee?

2 A. Correct.

3 Q. Okay. So is your testimony, then, that
4 NaphCare employees decide housing assignments for --

5 A. For medical or mental health purposes only.

6 Q. So then a NaphCare employee decides whether
7 an individual needs to be housed for a medical or
8 mental health reason?

9 A. Correct.

10 MS. GARAND: Libbie, we've been
11 going for about an hour and 15 minutes.
12 I'm going to ask the witness: Do you
13 need a break?

14 THE WITNESS: Could take a couple
15 minutes.

16 MS. GARAND: Okay. Do you mind
17 taking --

18 MS. DiMARCO: Let me just have
19 like five more minutes, then we can
20 take a 10- or 15-minute break.

21 MS. GARAND: Okay. That's fine.

22 BY MS. DiMARCO:

23 Q. Okay. So I think you said -- let me just
24 take a look. (Pause.)